

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 27TH NOVEMBER 2007 / 6TH AGRAHAYANA 1929

WP(C).No. 14507 of 2005(B)

PETITIONER:

**MOLLY PAUL, PITTAPILLIL,
PALUNDA, EDAKKARA P.O., MALAPPURAM DISTRICT.**

**BY ADV. SRI.P.K.SURESH KUMAR
SRI.K.P.SUDHEER**

RESPONDENTS:

- 1. THE STATE OF KERALA, REPRESENTED
BY ITS SECRETARY, DEPARTMENT OF GENERAL
EDUCATION, THIRUVANANTHAPURAM.**
- 2. THE DIRECTOR OF PUBLIC INSTRUCTION,
THIRUVANANTHAPURAM.**
- 3. THE ASSISTANT EDUCATIONAL OFFICER,
NILAMBUR, MALAPPURAM DISTRICT.**

BY GOVERNMENT PLEADER SRI.T.T.MAHMOOD

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 27/11/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

W.P.(C).No.14507/2005

:2:

APPENDIX

PETITIONERS EXHIBITS:

EXT.P1: COPY OF ORDER DT.27.1.2000 ISSUED BY ACCOUNTANT GENERAL (A&e), KERALA, THIRUVANANTHAPURAM.

EXT.P2: COPY OF REPRESENTATION DATED 20.1.2003 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.

EXT.P3: COPY OF ORDER DT.27.12.2004 ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER.

EXT.P4: COPY OF GO(P)190/2007/FIN DATED 8TH MAY 2007 ISSUED BY GOVT. OF KERALA, FINANCE (PENSION B) DEPARTMENT.

TRUE COPY

P.A TO JUDGE

S.SIRI JAGAN,J

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W.P.(C).No.14507 of 2005

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Dated this the 27th day of November, 2007

JUDGMENT

The petitioner's husband died while working as the Headmaster of GTUP School at Munderi. At the time of death, her husband had two daughters in an earlier marriage. Therefore, the family pension due on account of the death of the Government Employee was apportioned between the petitioner and the two daughters in the first marriage. Now the two daughters have ceased to be eligible for family pension. According to the petitioner on the daughters ceasing to be eligible for family pension, the petitioner would become entitled to full family pension including that portion of the family pension which was hitherto being paid to the daughters. Petitioner submits that by Ext.P4 Government Order, the Rule 90 (7) (ii) of the Kerala Service Rules has been amended making the petitioner eligible for such relief. In the circumstances the petitioner seeks appropriate directions to the first respondent to disburse to her the full family pension in accordance with the

amended provisions of the KSR.

In the above circumstances, this writ petition is disposed of directing the first respondent to consider and pass orders on the eligibility of the petitioner for full family pension in accordance with Ext.P4 amendment, within two months from the date of receipt of a copy of this judgment.

S.SIRI JAGAN, JUDGE

dvs